

TB Mtg February 14, 2019  
REGULAR TOWN BOARD MEETING  
COLDEN TOWN HALL – February 14, 2019

MEETING CALLED TO ORDER AT 7:00PM

SUPERVISOR DePASQUALE OPENED THE MEETING WITH A MOMENT OF SILENCE FOR JUDITH CALMES (KLOIBER) FOLLOWED BY THE PLEDGE OF ALLEGIANCE.

PRESENT: Councilman David Arcara  
Councilman Jesse Hrycik  
Councilwoman Patricia Zurbrick  
Councilman Gerald Pietraszek arrived at 7:45  
Supervisor James DePasquale

ALSO

PRESENT: Town Clerk Christina Kerlin  
CEO John Kotlarsz  
Highway Superintendent Clarkson  
Approximately 10 Residents

MINUTES:

MOTION made by Councilman Arcara and seconded by Councilman Hrycik and unanimously approved the January 3, 2019 Organizational Meeting and January Town Board Meeting as presented.

COMMITTEE REPORTS

BUILDING REPORT

Councilman Arcara reported that he has spoken with a gentleman who does masonry work and he is interested in working on the tennis wall at the park once the weather permits.

CODE ENFORCEMENT OFFICER REPORT

Report for the month of January – Bldg. Insp/Code Enf. Officer, John Kotlarsz reported that there were:

2 Building  
8 Certificates of Compliance  
1 Order to Remedy Violation  
1 Court Appearance  
16 Hours of Schooling  
1 letter to a property owner on Holland Glenwood Road advising him on damages to the premises

A signed certified letter was sent to a resident on Darien Road for an Order to Remedy his property which was never signed for by the homeowner and was returned to the Code Enforcement Officer. Supervisor DePasquale will talk with the Town Attorney to see what direction the town should take on this matter moving forward.

#### COMMUNITY DEVELOPMENT REPORT

Councilwoman Zurbrick reported the following:

Bread of Life Outreach Center Hours of Operation

Food Pantry

Thursdays 3pm-6pm  
Saturdays 10am - 1pm

Gabriel's Closet Thrift Shop

Tuesday 10:00am - 2:00pm  
Wednesday 10:00am - 2:00pm  
Thursday 3:00pm- 6:00pm  
Saturday 10:00am - 1:00pm

The Bread of Life has a challenge going for the month of February “Declutter Your Closets” donations can be dropped off during their hours of operation.

#### DOG CONTROL OFFICER REPORT

Councilman Arcara read the following DCO report for January 1, 2019 – January 31, 2019.

- On New Year’s Day received a call about a dog loose, picked him up and returned to owner.
- Call about a missing pit bull, returned home on their own.
- A call received about an impounded car in Colden, referred to the Sheriff’s department.
- Wrote out 12 appearance tickets for unlicensed dogs and two other offences from previous months, one was resolved, the other item will come back again.
- 22 calls received for the month of January.

#### ENVIRONMENTAL BOARD REPORT

No report

#### HIGHWAY REPORT & PARKS

Highway Superintendent Clarkson reported that the highway department is keeping up with the weather. Town roads and shoulders are taking a toll with the change in the weather from cold to hot.

- Highway Superintendent Clarkson will be going to Albany on March 4<sup>th</sup> and 5<sup>th</sup> for the annual Advocacy Day meeting with Highway Superintendents from all around NY State.
- Truck #7 was down due to a manifold problem which has been fixed.

#### INSURANCE REPORT

A meeting is being set up with Aflac for employee’s that are interested in signing up for extra insurance.

## LIBRARY REPORT

Councilman Hrycik reported that the following:

### West Falls- Colden Library

- NYS Pistol Training Course, Saturday February 16<sup>th</sup>, 10am – 1pm presented by Cheryl Schenne  
Cost is \$50 per person, Limited enrollment ages 17 and up
- Family Fun Night at the Library, Wednesday February 20<sup>th</sup>, 6:30pm – 8:30pm An evening with stories, games, crafts and enjoy some hot cocoa and ice cream sundaes. Pre-register, No Charge
- Just a reminder that the West Falls Library is not associated with the Erie County Library System so do not make your returns of books, movies, cd's, etc to the drop box.
- The Red Cross is teaming up with the West Falls - Colden Library in making comfort kits for veterans and activity kits for military children to be distributed throughout the year at various events in the Western and Central region.

### Boston Library

- Winter Story Time, Tuesdays 6pm January 8<sup>th</sup> – May 21<sup>st</sup> Stories, crafts, games, songs and snacks ages 3 – 6
- Pom Pom Pals Saturday March 9<sup>th</sup> 11am – 12pm ages 6-10 years old come make your own Pom pom creation, materials will be provided
- Canine Good Citizen Reading Dog, Saturdays 10am – 2pm, read to a Boston Canine Therapy Dog, Grimaldi practice your reading aloud to a good listener and gain confidence in your reading skills.

Bookmobile will be at the Bread of Life on the 2<sup>nd</sup> & 4<sup>th</sup> Tuesday of the month from 10am – 2pm

## PERSONNEL & TRAINING REPORT

Councilwoman Zurbrick reported that interviews for an Assistant CEO/Fire Inspector were done last week and there were two candidates.

### Approve Assistant CEO/Fire Inspector

MOTION made by Supervisor DePasquale and seconded by Councilman Arcara and unanimously approved Thomas Dziulko as Assistant CEO/Fire Inspector for the Town of Colden.

Supervisor DePasquale will contact the Town of Aurora for the annual training for Town employees and volunteers.

## PLANNING BOARD REPORT

Councilman Hrycik stated that Planning Board Chairman Walt Kammer gave updates to the Town Board on:

Clean Energy Grant

Led Street Lights change over

Code Updates – Clerical Changes and Zoning Issues

Town Attorney is reviewing upcoming Local Laws

**WATER REPORT**

Supervisor DePasquale reported that water bills were sent out to 213 customers with a total cost of \$20,655.84. (2,661,019 gallons of water)

Chlorine is running consistent

Councilwoman Zurbrick stated that a NYS Rural Water Representative stopped by the Town Hall today and it just so happened that the Water Operator Greg Adams was at the Town Hall. The representative shared a lot of information on NFPA codes and talked about some upcoming training he was very informative.

**YOUTH/ADULT RECREATION REPORT**

Recreation Director Kip Palmateer reported that soccer registration will be held on Saturday, March 2<sup>nd</sup>, from 9:00am – 11:00am at the Town Hall. Registration forms are going home through Colden Elementary School this week. Also asked for an announcement in the local newspaper.

Recreation department would like the Town Boards approval to begin a gardening program for kids and would like to use some park land to do this project. Still in the early planning stage but would like to start up this spring.

There was discussion on the startup of the gardening project along with a master gardener.

Approve Gardening Program

MOTION made by Councilwoman Zurbrick and seconded by Supervisor DePasquale and unanimously approved the recreation department to start a garden project along with the support of a master gardener. Location would be in the park area by the town gazebo and up at Kummer Park.

**OLD BUSINESS**

None

**NEW BUSINESS**

None

**RESOLUTIONS**

The following resolutions were read by Supervisor DePasquale:

**TOWN OF COLDEN  
NEW YORK STATE RETIREMENT SYSTEM  
CERTIFICATION FOR HOURS WORKED  
RESOLUTION #2019-01**



TEMPORARY EXTENSION – FURLOUGHED FEDERAL  
GOVERNMENT EMPLOYEES  
RESOLUTION #2019-02

RE: Temporary Extension on no-interest period for payments of real property taxes by a person furloughed by the federal government.

Whereas, on February 1, 2019, New York State Governor Andrew Cuomo signed into law Senate (S.02523) and Assembly (A.02852) bills which add a new section, Real Property Tax Law 925-e to allow furloughed federal taxpayers in Erie County an extended period of ninety days from the end of the furlough to pay property taxes without interest and penalty and;

Whereas, a furloughed federal taxpayer or designated non-pay federal employee must provide documentation to the collecting officer no later than the thirtieth day following the last day for paying such taxes without incurring interest or penalty.

Now therefore be it

RESOLVED, that Erie County through the Director of Real Property Tax Services is hereby authorized under New York State Real Property Tax Law section 925-e, and this resolution, to extend the interest free period for ninety days after the end of such lapse in discretionary appropriations by the federal government, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, Director of Budget and Management, County Comptroller, County Attorney and Joseph Maciejewski, Director of Real Property Tax Services

MOTION MADE BY Councilwoman Zurbrick and seconded by Councilman Arcara:

On the Vote: Councilman David Arcara - yes  
Councilman Jesse Hryck – yes  
Councilwoman Patricia Zurbrick – yes  
Councilman Gerald Pietraszek – absent  
Supervisor James P. DePasquale – yes

**AID AND INCENTIVES TO MUNICIPALITIES  
RESOLUTION #2019-03**

WHEREAS, Governor Cuomo’s proposed 2020 NYS Budget includes unprecedented cuts to unrestricted State Revenue Sharing program known as Aid and Incentives to Municipalities (AIM) in the amount of 49 million for all municipalities in the State of New York, effectively eliminating the program; and

WHEREAS, this proposed cut would result in a loss of \$19,300 from the Town of Colden’s general budget; and

WHEREAS, funding has not been increased in the last several years as unfunded mandates and cost of Town and Village services have risen; and

WHEREAS, if these cuts go through, a shocking 91% of Towns and Villages will permanently lose their AIM funding; and

WHEREAS, incentives for shared services, consolidation, and infrastructure remediation directed by consent orders in no way replace the needed financial assistance to fund and manage the increasing costs of day to day services and capital projects needed in sustainable Town and Village planning and management; and

WHEREAS, the proposal to eliminate AIM funding unfairly punishes State residents, making financial planning aligned with the NYS Tax Cap virtually impossible and

WHEREAS, the Governor is proposing to make the Tax Cap permanent, discontinue the \$65 million in Extreme Winter Recovery Program and proposes no increase for CHIPs funding, for which there has been widespread vocal support; and

WHEREAS, the proposal to eliminate AIM funding is not proactive, but a method to cut a small percent from the State Budget, yet a significant amount of revenue to Town and Village budgets.

NOW, THEREFORE, BE IT RESOLVED: The Town of Colden strongly opposes the elimination of AIM funding; and

FURTHER RESOLVED, the AIM funding benefits all of our residents not only in the Town of COLDEN but throughout New York State and eliminating it could result in reduction of services, program cuts and layoffs. Every dollar that the State shared is a dollar that doesn’t have to be levied on the backs of local taxpayers; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution be forwarded to Honorable Governor Andrew M. Cuomo, Honorable Senator Patrick Gallivan, Honorable Assemblyman David DiPietro, Honorable Legislator Joseph Lorigo and Erie County Executive Mark Poloncarz.

MOTION MADE BY Councilwoman Zurbrick and seconded by Councilman Hrycik:

On the Vote:            Councilman David Arcara - yes  
                              Councilman Jesse Hryck – yes  
                              Councilwoman Patricia Zurbrick – yes  
                              Councilman Gerald Pietraszek – absent  
                              Supervisor James P. DePasquale – yes

#### BUDGET TRANSFERS

None

#### TOWN CLERK REPORT

Town Clerk Kerlin reported that the 2019 Town and County tax bills were mailed out on February 13<sup>th</sup> and are due by March 15<sup>th</sup>.

#### SUPERVISOR’S REPORT

Supervisor DePasquale reported that the town will see an upgrade to the streetlights and if you drive towards Springville on Route 240 you will notice in Concord the new LED streetlights that have been installed.

A request was made from Julie and Joe Caldarelli for a 30 day waiver for a liquor license they are leasing the restaurant at Colden Lakes Resort. The name of the restaurant will be “The Topsy Goat Lakeside Grill”.

#### Approve 30 Day Liquor License Waiver

MOTION made by Councilman Arcara and seconded by Councilwoman Zurbrick and unanimously approved a 30 day liquor license waiver for The Topsy Goat Lakeside Grill up at Colden Lakes Resort.

Town Attorney Ronald Bennett was given recommendations from the Planning Board on code changes to review.

Supervisor DePasquale stated that he will be attending an upcoming conference in New York City and while he is gone Councilwoman Zurbrick will be signing the bills that are approved at tonight’s meeting.



**PAY BILLS**

MOTION made by Councilwoman Zurbrick and seconded by Councilman Pietraszek and unanimously approved to pay the following bills.

General Fund Warrant Voucher #2018-513 to #2018-527	\$ 6,841.98
Highway Fund Abstract Voucher #2018-225 to #2018-231	\$ 3,820.08
Lighting District Voucher #2018-23	\$ 591.23
Refuse District Voucher #2018 – 35	\$18,706.30
General Fund Warrant Voucher #2019-11 to #2019-53	\$60,309.66
Highway Fund Abstract Voucher #2019-02 to #2019-19	\$47,968.61
Water District Voucher #2019-01 to #2019-05	\$ 4,006.44
Lighting District Voucher #2019 -01 to 2019#-02	\$ 2,450.18
Refuse District Voucher #2019 – 01	\$ 19,010.65

**PRIVILEGE OF THE FLOOR**

Bernie Horschel asked what the town is going to do with the bucket truck that is at the highway department.

There was some discussion about the bucket truck and it was decided that Councilman Arcara will assist Highway Superintendent Clarkson to write an advertisement up to submit to Auctions International.

John Kotlarsz asked the Town Board if flags from the all the Military branches could be purchased for the upcoming Memorial Day Parade to be placed on top the Veterans Wall.

There was discussion on the size and the placement of the flags the Town Board will look into the purchase of the flags.

Councilman Hrycik suggested that maybe some landscaping could be done at the park now that the sidewalk and gazebo are complete.

**ADJOURN**

MOTION made by Councilwoman Zurbrick and seconded by Councilman Arcara and unanimously adjourned the meeting at 8:03PM.

Respectfully submitted,

Christina M. Kerlin  
Town Clerk